

RUSH YES ☐ NO ☐

Reason:

PUBLIC RECORDS ACT REQUEST

NO: PR-2019-225

SUBJECT: Request for Information Regarding Software and Algorithms
Developed for the Implementation of Program Providing
Guidance on Policy

REQUESTED BY: Beryl Lipton
MuckRock.

Date of Request: 05/23/19

Date Assigned: 05/29/19

Deadline Date: 6/03/19
Extension 6/17/19

ASSIGNED TO: HARRISON

LEHMAN

Pawlowski

Approved/Date

Other Action/Date

APPROVALS:

Author

VP 6/12/19

Assistant

[Signature] 6-12-19

Sr. Assistant

[Signature] 6/13/19

PRA Coordinator

[Signature] 6/13/19

FORWARD TO EXECUTIVE OFFICE: YES ☐ NO ☒
(IF REQUEST INVOLVES A BOARD OFFICE OR THE MATTER IS SENSITIVE)

Chief Deputy

Proofreaders' Initials/Date

rp6 6/12/19 dt 6/12/19 (ps) 6/12/19



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM
County Counsel

June 14, 2019

TELEPHONE
(213) 974-1905
FACSIMILE
(213) 687-4745
TDD
(213) 633-0901
E-MAIL
vpawlowski@counsel.lacounty.gov

VIA E-MAIL ONLY

Beryl Lipton, Reporter
MuckRock News
74015-31185748@requests.muckrock.com

Re: Public Records Act Request

Dear Mr. Lipton:

This is the final response to your May 23, 2019, Public Records Act ("PRA") request directed to the Department of Children and Family Services ("DCFS") wherein you requested the following records (verbatim):

1. Materials related to any predictive or automated analysis software and algorithms used by this agency in the performance of its responsibilities. These materials should include, but not be limited to, those regarding the software and algorithm used in the Eckerd Rapid Safety Feedback Software.
2. Any software and algorithms developed for the implementation of the program. We are particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual.
3. Any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.

4. Any description of input and output data fields that capture the type of information that is submitted to the software and that is produced by the software.
5. Any and all contracts (including related amendments and exhibits), non-disclosure agreements, liability waivers, insurance agreements, Requests for Proposals, responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, and informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.
6. All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taken (*sic*) during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.
7. A copy of any privacy impact assessments, validation studies, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records (including but not limited to security audits of the software, misuse reports, and reports to oversight bodies), and other evaluations that reference "the software," otherwise pertain to its use, or were conducted with respect to the program or with respect to any software or provide any records pertaining to inquiries for the need of validation studies or discussion of validation studies (potential or actual). By "validation study," we mean any study designed to assess how accurate the program is in predicting what it is supposed to predict or any study designed to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes or may produce any results that are biased or unexpected in any way.
8. A copy of any usage policies, data retention policies, legal opinions, warranties, standard operating procedures, and other guiding materials that reference "the software" or otherwise pertain to its use.
9. A copy of any invoices, financial records, funding opportunity announcements, grant applications and grantor status/progress reports that reference "the software" or otherwise pertain to its use.

Beryl Lipton
June 14, 2019
Page 3

10. For the aspects of the software that require an input (for example, to compute a value), we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is. If these inputs or outputs include exempt information, we ask that you exempt only that information which is specifically exempted from law and provide the other material.

On June 3, 2019, DCFS extended the time to respond by an additional fourteen (14) days pursuant to Government Code section 6253, subdivision (c) due to the existence of unusual circumstances arising from the broad scope of your request. DCFS has now concluded its search for records and determined that it does not have any responsive records.

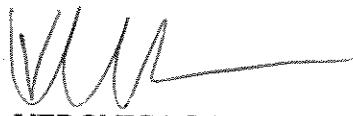
In providing you with this response, DCFS is not waiving any rights, defenses, claims of privilege, or claims of exception, or exemption of any record under the California PRA or any other statutes.

Please contact me directly if you have any questions regarding this matter.

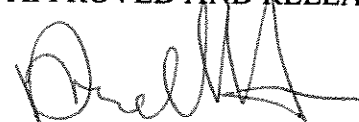
Very truly yours,

MARY C. WICKHAM
County Counsel

By


VERONICA PAWLOWSKI
Deputy County Counsel
Social Services Division

APPROVED AND RELEASED:



LESTER J. TOLNAI
Chief Deputy

VP:rpb



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
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MARY C. WICKHAM
County Counsel

June 3, 2019

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Beryl Lipton, Reporter
MuckRock News
74015-31185748@requests.muckrock.com

Re: Public Records Act Request

Dear Mr. Lipton:

This is in response to your May 23, 2019, Public Records Act ("PRA") request directed to the Department of Children and Family Services ("DCFS") wherein you requested the following records (verbatim):

1. Materials related to any predictive or automated analysis software and algorithms used by this agency in the performance of its responsibilities. These materials should include, but not be limited to, those regarding the software and algorithm used in the Eckerd Rapid Safety Feedback Software.
2. Any software and algorithms developed for the implementation of the program. We are particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual.
3. Any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.
4. Any description of input and output data fields that capture the type of information that is submitted to the software and that is produced by the software.

5. Any and all contracts (including related amendments and exhibits), non-disclosure agreements, liability waivers, insurance agreements, Requests for Proposals, responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, and informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.

6. All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taking (*sic*) during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.

7. A copy of any privacy impact assessments, validation studies, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records (including but not limited to security audits of the software, misuse reports, and reports to oversight bodies), and other evaluations that reference "the software," otherwise pertain to its use, or were conducted with respect to the program or with respect to any software or provide any records pertaining to inquiries for the need of validation studies or discussion of validation studies (potential or actual). By "validation study," we mean any study designed to assess how accurate the program is in predicting what it is supposed to predict or any study designed to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes or may produce any results that are biased or unexpected in any way.

8. A copy of any usage policies, data retention policies, legal opinions, warranties, standard operating procedures, and other guiding materials that reference "the software" or otherwise pertain to its use.

9. A copy of any invoices, financial records, funding opportunity announcements, grant applications and grantor status/progress reports that reference "the software" or otherwise pertain to its use.

10. For the aspects of the software that require an input (for example, to compute a value), we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is. If these inputs or outputs include exempt information, we ask that you exempt only that information which is specifically exempted from law and provide the other material.

Beryl Lipton
June 3, 2019
Page 3

Please be advised that we are extending the time to respond by an additional fourteen (14) days pursuant to Government Code section 6253, subdivision (c) due to the existence of unusual circumstances arising from the broad scope of your request. The unusual circumstances include the need to search for and collect the requested records from field facilities; the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records; and potentially the need to compile data, write programming language, or to construct a computer report to extract data.

In providing you with this response, DCFS is not waiving any rights, defenses, claims of privilege, or claims of exception, or exemption of any record under the California PRA or any other statutes. Not having reviewed any records, we cannot specify all the applicable authority upon which records would be withheld or redactions would be required. The authority may include, but is not limited to the following: California Constitution, article I, section 1; matters protected by the attorney-client, official information and deliberative process privileges; or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant nondisclosure of the information. (Government Code sections 6254(b), (c), (f), (k), and 6255(a)).

We will advise you on or before June 17, 2019, as to if and when we will be able to provide you with disclosable records, and any cost associated with providing those records.

Please contact me directly if you have any questions regarding this matter.

Very truly yours,

MARY C. WICKHAM
County Counsel

By



VERONICA PAWLOWSKI
Deputy County Counsel
Social Services Division

VP:rpb

Phillise Calhoun

From: Daisy Torres
Sent: Wednesday, May 29, 2019 12:53 PM
To: Phillise Calhoun
Subject: New PRA - RTNA: California Public Records Act Request: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)

Good afternoon Phillise,

Please log this PRA as follows:

- Subject matter: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)
- Date PRA was received: May 23, 2019
- 10-Day response time: June 2, 2019 (Sunday)
- 14 Day Extension: June 16, 2019 (Sunday).

Thank you,

Daisy Torres, Senior Secretary V
Office of the County Counsel
Social Services Division
(213) 974-2771

dtorres@counsel.lacounty.gov

CONFIDENTIALITY NOTICE: This email message, including any attachments, from the Office of the County Counsel is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, attorney work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply email that you have received this message in error, and destroy this message, including any attachments.

From: Veronica Pawlowski
Sent: Tuesday, May 28, 2019 9:43 AM
To: Daisy Torres
Cc: Michelle Vega; Florence Inay
Subject: FW: RTNA: California Public Records Act Request: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)

Good morning Daisy,

Please log in the PRA below received by DCFS on Thursday, May 23, 2019.

Thank you.

Kind regards,

Veronica Pawlowski
Deputy County Counsel
Social Services Division
Tel: (213) 974-1905
Cell: (213) 705-8033

From: Michelle Vega

Sent: Friday, May 24, 2019 12:33 PM

To: Veronica Pawlowski

Cc: Florence Inay

Subject: Fwd: RTNA: California Public Records Act Request: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)

FYI for County Counsel. Florence is going to be the lead on this for Public Affairs. We have a call scheduled with Travis for this afternoon to walk through the process. Would the response letter need to go through CoCo or can DCFS PA process and send itself?

Thank you!

Michelle Vega

Public Affairs Director

Department of Children and Family Services

(213) 739-6448

michelle.vega@dcfs.lacounty.gov

From: Travis Webb

Sent: Thursday, May 23, 2019 4:43:54 PM

To: Erica Juarez

Cc: Michelle Vega; Karla HR Hernandez; Jesus Sanchez; Michelle Forniss; Aldo Marin; Shalesha Johnson; John Byeon; Chungyon Bang; Rimik Gholian; Juana Aguilera

Subject: RE: RTNA: California Public Records Act Request: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)

Erica,

The requestor is from MuckRock News and therefore appears to be a media PRA request. I have therefore copied Michelle Vega and her shop for handling.

Travis Webb, CSA I

Dept. Children & Family Services

Office of Litigation Management

(213) 351-5544

Fax: (213) 427-6154

Please consider the environment before printing this e-mail.

The information contained in this document is privileged and strictly confidential under state law, including WIC 827 and Govt. Code 6254(c) relating to personnel records. It may also be confidential under federal law. This information may not be copied, shared, used or distributed in any manner inconsistent with applicable laws. It may be shared only with persons so authorized by law.

From: Erica Juarez

Sent: Thursday, May 23, 2019 4:33 PM

To: Karla HR Hernandez <hernakf@dcfs.lacounty.gov>; Rimik Gholian <gholir@dcfs.lacounty.gov>

Cc: Travis Webb <webbt@dcfs.lacounty.gov>; Jesus Sanchez <SanchJ@dcfs.lacounty.gov>; Michelle Forniss <FORNIM@dcfs.lacounty.gov>; Aldo Marin <marina@dcfs.lacounty.gov>; Shalesha Johnson <johnssc@dcfs.lacounty.gov>

Subject: RTNA: California Public Records Act Request: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)

Good afternoon Litigation Management Team,

Please see e-mail below from Beryl Lipton.

Thank you,
Erica Juarez
DCFS Office of Public Inquiry
425 Shatto Place,
Los Angeles, Ca 90020
(213) 351-5720

From: 74015-31185748@requests.muckrock.com <74015-31185748@requests.muckrock.com>

Sent: Thursday, May 23, 2019 3:23 PM

To: Public Inquiries <PublicInquiries@dcfs.lacounty.gov>

Subject: California Public Records Act Request: Predictive analytics at family agencies (featuring Eckerd Rapid Safety Feedback) (Department of Children and Families)

Department of Children and Families
PRA Office
425 Shatto Place
Los Angeles, CA 90020

May 23, 2019

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Materials related to any predictive or automated analysis software and algorithms used by this agency in the performance of its responsibilities.

These materials should include, but not be limited to, those regarding the software and algorithm used in the Eckerd Rapid Safety Feedback Software. For reference and help retrieving responsive documents, this program was publicly discussed in the following news article: <https://www.bostonglobe.com/2015/11/07/childwelfare-bostonglobe-com/AZ2kZ7ziiP8cBMOite2KKP/story.html>

Please provide the following records related to the above program and any similar programs:

- Software and algorithm:

Any software and algorithms developed for the implementation of the program. We are particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual.

More generally, please provide any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.

Please provide any description of input and output data fields that capture the type of information that is submitted to the software and that is produced by the software.

- **Contracts and procurement materials:**

Any and all contracts (including related amendments and exhibits), non-disclosure agreements, liability waivers, insurance agreements, Requests for Proposals, responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, and informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.

- **Instructional and training materials:**

All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taken during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.

- **Assessments, audits, and reports:**

A copy of any privacy impact assessments, validation studies, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records (including but not limited to security audits of the software, misuse reports, and reports to oversight bodies), and other evaluations that reference "the software," otherwise pertain to its use, or were conducted with respect to the program or with respect to any software or algorithms used in connection with the program. In addition to a copy of any validation studies, please also provide any records pertaining to inquiries for the need of validation studies or discussion of validation studies (potential or actual).

By "validation study," we mean any study designed to assess how accurate the program is in predicting what it is supposed to predict or any study designed to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes or may produce any results that are biased or unexpected in any way.

- **Policies:**

A copy of any usage policies, data retention policies, legal opinions, warranties, standard operating procedures, and other guiding materials that reference "the software" or otherwise pertain to its use.

- **Funding materials:**

A copy of any invoices, financial records, funding opportunity announcements, grant applications and grantor status/progress reports that reference "the software" or otherwise pertain to its use.

- **Recent history:**

For the aspects of the software that require an input (for example, to compute a value), we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is. If these inputs or outputs include exempt information, we ask that you exempt only that information which is specifically exempted from law and provide the other material.

Please let me know if further clarification is needed for this request.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Beryl Lipton

Filed via MuckRock.com

E-mail (Preferred): 74015-31185748@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAS5mQFbEbSOZMyE-qpVXutb7Q%3A1hTw7A%3AaE6HB20vNITO56-CXfNmM-dF9FE&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccount%252Fagency_login%252Fdepartment-of-children-and-families-9664%252Fpredictive-analytics-at-family-agencies-featuring-eckerd-rapid-safety-feedback-department-of-children-and-families-74015%252F%253Femail%253Dpinquiries%252540dcfs.lacounty.gov

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 74015

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.